

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Levine
(Principal coauthor: Senator Padilla)
(Coauthor: Assembly Member Nava)

February 23, 2007

An act to add Chapter 9 (commencing with Section 122336) to Part 6 of Division 105 of the Health and Safety Code, relating to pets.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as introduced, Levine. California Healthy Pets Act.

Existing law sets forth provisions relating to veterinary public health and safety and provides for or regulates spay, neuter, and breeding programs for animals.

This bill would prohibit any person from owning or possessing any unaltered cat or dog over the age of 4 months, unless that person possesses an intact permit, as specified. The bill would establish an intact permit fee in an amount to be determined by a local jurisdiction, as defined, and would require the revenue from these fees to be used for the administration of the local jurisdiction's permit program. The bill would make a violation of these provisions punishable by a prescribed fine.

The bill would require all revenues derived from these fines to be used for funding free and low-cost spay and neuter programs, and outreach efforts for these programs, which would be required to be established by each local animal control agency, to the extent that funding is available, and for the enforcement of these provisions.

By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 California Healthy Pets Act.

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4 SEC. 2. Chapter 9 (commencing with Section 122336) is added
5 to Part 6 of Division 105 of the Health and Safety Code, to read:

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7 CHAPTER 9. SPAY AND NEUTER PROGRAM FOR CATS AND DOGS

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9 Article 1. Definitions

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11 122336. For purposes of this chapter, the following definitions
12 shall apply:

13 (a) "Alter" means to spay or neuter an animal, as performed by
14 a California licensed veterinarian.

15 (b) "Intact permit" means a document issued annually by a local
16 jurisdiction that authorizes a person to own or possess within that
17 locality an unaltered cat or dog.

18 (c) "Local animal control agency" means the municipal or
19 county animal control agency or other entity responsible for
20 enforcing animal-related laws.

21 (d) "Local jurisdiction" means any city, county, or city and
22 county.

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24 Article 2. General Provisions

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26 122336.1. (a) A person shall not own or possess within the
27 state any cat or dog over the age of four months that has not been
28 spayed or neutered, unless that person possesses an intact permit,
29 as defined in subdivision (b) of Section 122336.

(b) Any person who violates subdivision (a) shall be subject to the following:

(1) Unless paragraph (2) applies, a person in violation of subdivision (a) shall have his or her cat or dog spayed or neutered within 30 days from the date of compliance as required under this section or Article 3 (commencing with Section 122336.2), whichever is applicable.

(2) If a person in violation of subdivision (a) provides a letter from a California licensed veterinarian indicating that due to age, poor health, or illness, it is unsafe to spay or neuter the cat or dog within 30 days from the date of compliance under this section or Article 3 (commencing with Section 122336.2), whichever is applicable, and indicating that arrangements have been made to alter the cat or dog within 75 days from that date of compliance, he or she shall have his or her cat or dog spayed or neutered within that 75-day period.

(3) Any person who violates subdivision (a) shall, for each animal for which a violation has occurred, be subject to a civil penalty of five hundred dollars (\$500) for each applicable period of noncompliance, as set forth in paragraphs (1) and (2). This penalty shall be imposed in addition to any other civil or criminal penalties imposed by the local jurisdiction.

(c) Any fines imposed under subdivision (b) shall be waived by the local jurisdiction if the person in violation provides proof that his or her cat or dog has been spayed or neutered by a California licensed veterinarian or provides proof that he or she has obtained an intact permit for the cat or dog.

Article 3. Permits

122336.2. (a) A local jurisdiction shall issue an intact permit, as defined in subdivision (b) of Section 122336, if all of the following conditions are met:

(1) The cat or dog is registered as a purebred with a pedigree with any of the following organizations:

(A) The American Kennel Club.

(B) The United Kennel Club.

(C) The American Dog Breeders Association.

(D) The International Cat Association.

1 (E) A recognized registry approved by the local animal control
2 agency.

3 (2) The dog is appropriately trained and meets the definition of
4 guide dog, service dog, or signal dog, as set forth in subdivisions
5 (d), (e), and (f) of Section 365.5 of the Penal Code.

6 (3) The dog is documented as having been appropriately trained
7 and actively used by law enforcement agencies for law enforcement
8 and rescue activities.

9 (4) The owner of a cat or dog provides a letter to the local
10 jurisdiction from a California licensed veterinarian stating that due
11 to age, poor health, or illness, it is unsafe to spay or neuter the cat
12 or dog. This letter shall include the veterinarian's license number
13 and shall be provided, upon request, to the local animal control
14 agency.

15 (b) An unaltered cat or dog for which an intact permit was issued
16 who ceases to meet the requirements of subdivision (a) is subject
17 to the spay and neuter requirements set forth in Section 122336.1.

18 (c) The amount of the fee for an intact permit shall be
19 determined by the local jurisdiction, and shall be no more than
20 what is reasonably necessary to fund the administration of that
21 jurisdiction's intact permit program.

22 Article 4. Funding

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25 122336.3. (a) To the extent that funding is available pursuant
26 to this chapter, a local animal control agency shall establish a free
27 and low-cost spay and neuter program for low-income individuals.
28 The agency shall undertake outreach efforts to inform qualified
29 persons about these programs.

30 (b) All fines collected pursuant to paragraph (3) of subdivision
31 (b) of Section 122336.1 shall be used for funding free and low-cost
32 spay and neuter programs and outreach efforts in the jurisdiction
33 where the violation occurred, and for the enforcement activities
34 set forth in Article 5 (commencing with Section 122336.4).

35 Article 5. Enforcement

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38 122336.4. A local animal control agency shall be responsible
39 for enforcing and administering this chapter.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 a local agency or school district has the authority to levy service
4 charges, fees, or assessments sufficient to pay for the program or
5 level of service mandated by this act, within the meaning of Section
6 17556 of the Government Code.

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